

Status: This is the original version (as it was originally enacted).

SCHEDULES

SCHEDULE 6

Section 51.

PROSECUTION AND PUNISHMENT OF OFFENCES

PART I

TABLE OF PUNISHMENTS

Section of this Act creating offence	General nature of offence	Mode of prosecution	Punishment	Additional provisions
Section 1(1)	Possessing etc. firearm or ammunition without firearm certificate.	(a) Summary	6 months or a fine of £200; or both. (i) where the offence is committed in an aggravated form within the meaning of section 4(4) of this Act, 5 years, or a fine; or both, (ii) in any other case, 3 years or a fine; or both.	} Paragraph 1 of Part II of this Schedule applies.
Section 1(2)	Non-compliance with condition of firearm certificate.	(b) On indictment Summary	6 months or a fine of £200; or both.	Paragraph 1 of Part II of this Schedule applies.
Section 2(1)	Possessing, etc., shot gun without shot gun certificate.	Summary	6 months or a fine of £200; or both.	Paragraph 1 of Part II of this Schedule applies.

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Section 2(2)	Non-compliance with condition of shot gun certificate.	Summary	6 months or a fine of £200; or both.	Paragraph 1 of Part II of this Schedule applies.
Section 3(1)	Trading in firearms without being registered as firearms dealer.	(a) Summary	6 months or a fine of £200; or both.	
		(b) On indictment.	3 years or a fine; or both.	
Section 3(2)	Selling firearm to person without a certificate.	(a) Summary	6 months or a fine of £200; or both.	
		(b) On indictment.	3 years or a fine; or both.	
Section 3(3)	Repairing, testing etc. firearm for person without a certificate.	(a) Summary	6 months or a fine of £200; or both.	
		(b) On indictment.	3 years or a fine; or both.	
Section 3(5)	Falsifying certificate, etc., with view to acquisition of firearm.	(a) Summary	6 months or a fine of £200; or both.	
		(b) On indictment	3 years or a fine of £200; or both.	
Section 3(6)	Pawnbroker taking firearm in pawn.	Summary	3 months or a fine of £20; or both.	
Section 4(1) (3) }	Shortening a shot gun; conversion of firearms.	(a) Summary	6 months or a fine of £200; or both.	
		(b) On indictment	5 years or a fine; or both.	
Section 5(1)	Possessing or distributing prohibited weapons or ammunition.	(a) Summary	6 months or a fine of £200; or both.	
		(b) On indictment.	5 years or a fine; or both.	
Section 5(5)	Non-compliance with condition of Defence Council authority.	Summary	6 months or a fine of £200; or both.	

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Section 5(6)	Non-compliance with requirement to surrender authority to possess, etc., prohibited weapon or ammunition.	Summary	A fine of £20.	
Section 6(3)	Contravention of order under s. 6 (or corresponding Northern Irish order) restricting removal of arms.	Summary	3 months or, for each firearm or parcel of ammunition in respect of which the offence is committed, a fine of £20; or both.	Paragraph 2 of Part II of this Schedule applies.
Section 7(2)	Making false statement in order to obtain police permit.	Summary	6 months or a fine of £200; or both.	
Section 9(3)	Making false statement in order to obtain permit for auction of firearms etc.	(a) Summary (b) On indictment	6 months or a fine of £200; or both. 3 years or a fine; or both.	
Section 13(2)	Making false statement in order to obtain permit for removal of signalling apparatus.	Summary	6 months or a fine of £200; or both.	
Section 16	Possession of firearm with intent to endanger life or injure property.	On indictment	14 years or a fine; or, in England or Wales, both.	
Section 17(1)	Use of firearms to resist arrest	On indictment	14 years or a fine; or, in England or Wales, both.	Paragraphs 3 to 5 of Part II of this Schedule apply.
Section 17(2)	Possessing firearm while committing an	On indictment	7 years or a fine; or, in England or Wales, both.	Paragraphs 3 and 6 of Part II of

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Section of this Act creating offence	General nature of offence	Mode of prosecution	Punishment	Additional provisions
	offence specified in Schedule 1 or, in Scotland, an offence specified in Schedule 2.			this Schedule apply.
Section 18(1)	Carrying firearms or imitation firearm with intent to commit indictable offence (or, in Scotland, an offence specified in Schedule 2) or to resist arrest.	On indictment	10 years or a fine; or, in England or Wales, both.	
Section 19	Carrying loaded firearm in public place.	(a) Summary (b) On indictment (but not if the firearm is an air weapon).	6 months or a fine of £200; or both. 5 years or a fine; or both.	
Section 20(1)	Trespassing with firearm in a building.	(a) Summary (b) On indictment (but not if the firearm is an air weapon).	6 months or a fine of £200; or both. 5 years or a fine; or both.	
Section 20(2)	Trespassing with firearm on land.	Summary	3 months or a fine of £100; or both.	
Section 21(4)	Contravention of provisions denying firearms to ex-prisoners and the like.	(a) Summary (b) On indictment...	6 months or a fine of £200; or both. 3 years or a fine; or both.	
Section 21(5)	Supplying firearms to person denied them under section 21.	(a) Summary	6 months or a fine of £200; or both.	

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Section of this Act creating offence	General nature of offence	Mode of prosecution	Punishment	Additional provisions
		(b) On indictment	3 years or a fine; or both.	
Section 22(1)	Person under 17 acquiring firearm.	Summary	6 months or a fine of £200; or both.	
Section 22(2)	Person under 14 having firearm in his possession without lawful authority.	Summary	6 months or a fine of £200; or both.	
Section 22(3)	Person under 15 having with him a shot gun without adult supervision.	Summary	A fine of £50	Paragraph 8 of Part II of this Schedule applies.
Section 22(4)	Person under 14 having with him an air weapon or ammunition therefor.	Summary.	A fine of £50.	Paragraphs 7 and 8 of Part II of this Schedule apply.
Section 22(5)	Person under 17 having with him an air weapon in a public place.	Summary	A fine of £50.	Paragraphs 7 and 8 of Part II of this Schedule apply.
Section 23(1)	Person under 14 making improper use of air weapon when under supervision; person supervising him permitting such use.	Summary	A fine of £50	Paragraphs 7 and 8 of Part II of this Schedule apply.
Section 24(1)	Selling or letting on hire a firearm to person under 17.	Summary	6 months or a fine of £200; or both.	
Section 24(2)	Supplying firearm or ammunition (being of a kind to which section 1 of this	Summary..	6 months or a fine of £200; or both.	

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Section 24(3)	Act applies) to person under 14. Making gift of shot gun to person under 15.	Summary.	A fine of £50	Paragraph 9 of Part II of this Schedule applies.
Section 24(4)	Supplying air weapon to person under 14.	Summary	A fine of £50.	
Section 25	Supplying firearm to person drunk or insane.	Summary	3 months or a fine of £20; or both.	Paragraphs 7 and 8 of Part II of this Schedule apply.
Section 26(5)	Making false statement in order to procure grant or renewal of a firearm or shot gun certificate.	Summary	6 months or a fine of £200; or both.	
Section 29(3)	Making false statement in order to procure variation of a firearm certificate.	Summary	6 months or a fine of £200; or both.	
Section 30(4)	Failing to surrender certificate on revocation.	Summary.	A fine of £20.	
Section 38(8)	Failure to surrender certificate of registration on removal of firearms dealer's name from register.	Summary	A fine of £20.	
Section 39(1)	Making false statement in order to secure registration or entry in register of a place of business.	Summary	6 months or a fine of £200; or both.	

Section of this Act creating offence	General nature of offence	Mode of prosecution	Punishment	Additional provisions
Section 39(2)	Registered firearms dealer having place of business not entered in the register.	Summary.	6 months or a fine of £200; or both.	
Section 39(3)	Non-compliance with condition of registration.	Summary	6 months or a fine of £200; or both.	
Section 40(5)	Non-compliance by firearms dealer with provisions as to register of transactions; making false entry in register.	Summary.	6 months or a fine of £200; or both.	
Section 42	Failure to comply with instructions in firearm certificate when transferring firearm to person other than registered dealer; failure to report transaction to police.	(a) Summary (b) On indictment	6 months or a fine of £200; or both. 3 years or a fine; or both.	
Section 47(2)	Failure to hand over firearm or ammunition on demand by constable.	Summary	3 months, or a fine of £100; or both.	
Section 48(3)	Failure to comply with requirement of a constable that a person shall declare his name and address.	Summary	A fine of £20.	
Section 49(3)	Failure to give constable facilities for examination of firearms in	Summary	3 months or, for each firearm or parcel of ammunition in respect of which	Paragraph 2 of Part II of this Schedule applies.

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Section of this Act creating offence	General nature of offence	Mode of prosecution	Punishment	Additional provisions
Section 52(2)(c)	transit, or to produce papers. Failure to surrender firearm or shot gun certificate cancelled by court on conviction.	Summary	the offence is committed, a fine of £20; or both. A fine of £20.	

PART II

SUPPLEMENTARY PROVISIONS AS TO TRIAL AND PUNISHMENT OF OFFENCES

- 1 In Scotland, a contravention of section 1(1) or (2) or section 2(1) or (2) of this Act which, if it had been triable on indictment, could competently have been libelled as an additional or alternative charge in an indictment charging a person with an offence involving any injury or attempted injury of, or any threat or intent to injure, any person or property by the use or attempted use of a firearm, may, notwithstanding anything in those sections or in Part I of this Schedule, be so libelled and tried.
- 2 In the case of an offence against section 6(3) or 49(3) of this Act, the court before which the offender is convicted may, if the offender is the owner of the firearms or ammunition, make such order as to the forfeiture of the firearms or ammunition as the court thinks fit.
- 3 Where in England or Wales a person who has attained the age of seventeen is charged before a magistrates' court with an offence specified in Schedule 1 to the Magistrates' Courts Act 1952 and is also charged before that court with an offence under section 17(1) or (2) of this Act, then, notwithstanding anything in section 19 of the said Act of 1952, the court shall not proceed to the summary trial of the first-mentioned offence if the accused is committed for trial in respect of the offence under section 17(1) or (2) of this Act.
- 4 Where a person commits an offence under section 17(1) of this Act in respect of the lawful arrest or detention of himself for any other offence committed by him, he shall be liable to the penalty provided by Part I of this Schedule in addition to any penalty to which he may be sentenced for the other offence.
- 5 If on the trial of a person for an offence under section 17(1) of this Act the jury are not satisfied that he is guilty of that offence but are satisfied that he is guilty of an offence under section 17(2), the jury may find him guilty of the offence under section 17(2) and he shall then be punishable accordingly.
- 6 The punishment to which a person is liable for an offence under section 17(2) of this Act shall be in addition to any punishment to which he may be liable for the offence first referred to in section 17(2).

- 7 The court by which a person is convicted of an offence under section 22(4) or (5), 23(1) or 24(4) of this Act may make such order as it thinks fit as to the forfeiture or disposal of the air weapon or ammunition in respect of which the offence was committed.
- 8 The court by which a person is convicted of an offence under section 22(3), (4) or (5), 23(1) or 24(4) may make such order as it thinks fit as to the forfeiture or disposal of any firearm or ammunition found in his possession.
- 9 The court by which a person is convicted of an offence under section 24(3) of this Act may make such order as it thinks fit as to the forfeiture or disposal of the shot gun or ammunition in respect of which the offence was committed.